

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

TIMOTHY ROBERSON,)	
)	
Plaintiff,)	
)	
)	
vs.)	CASE NO. 3:11-0117
)	JUDGE SHARP/KNOWLES
)	
)	
TENNESSEE DEPARTMENT OF)	
CORRECTIONS, et al.,)	
)	
Defendants.)	

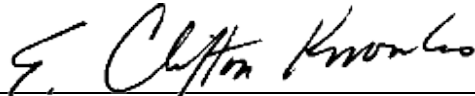
ORDER

This matter is before the Court upon the pro se Plaintiff's "Motion to Compel Discovery." Docket No. 72. Two sets of Defendants have filed Responses in Opposition to the Motion (Docket Nos. 73, 75). These Responses essentially state that Plaintiff has not served any discovery requests upon Defendants. The Court notes that, in his Motion to Compel, Plaintiff has not stated that he actually has served discovery upon Defendants.

Additionally, Plaintiff has filed a Reply to Defendants' Responses. Docket No. 74. In his Reply, once again Plaintiff never states that he has actually served any discovery upon Defendants. Instead, he refers to the fact that he signed a HIPPA release form, "with the expectation that the defendant would send the plaintiff a copy of everything that they were requesting in regards to the plaintiff's medical history/records" Docket No. 74, p. 1. It does appear that counsel for one Defendant, in requesting that Plaintiff sign a HIPPA release, stated, "Once I receive the release, and get the records, I will send a copy of the records to you."

Docket No. 74-2. The Court cannot compel Defendants to respond to discovery that Plaintiff has never submitted to them, and Plaintiff's "Motion to Compel Discovery" (Docket No. 72) is DENIED.¹

IT IS SO ORDERED.



E. Clifton Knowles
United States Magistrate Judge

¹ The Court expects, however, that counsel will abide by the agreement set forth in the letter discussed above, if he has not already done so.